

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**19-CR-1991 JB**

**ANTONIO CARRILLO,**

**Defendant.**

**ORDER GRANTING UNOPPOSED MOTION TO CONTINUE DECEMBER 2, 2019  
TRIAL SETTING AND EXTEND MOTIONS DEADLINE**

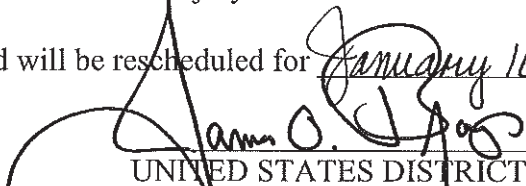
This matter is before the Court on Defendant's Unopposed Motion to Continue November 18, 2019 Trial Setting and Extend Motions Deadline (Doc. 43). There being good cause shown by the Parties and there being no objection by the government, the Court finds the motion is well-taken and should be granted.

IT IS HEREBY ORDERED that the jury trial currently scheduled in this case for December 2, 2019 is continued and will be rescheduled for January 16, 2020.

Additionally, the Court finds that a continuance is necessary to permit the Defendant to continue plea negotiations with the Government. If the case does not resolve, then Defendant will require additional time to prepare pretrial motions, motions in limine, and prepare for trial.

The court finds that the ends of justice and the public interest will be served by granting this extension of time in which to file motions and a continuance of the trial. *See United States v. Hernandez-Mejia*, 406 Fed. App'x. 330, 338 (10<sup>th</sup> Cir. 2011) ("The Speedy Trial Act was intended not only to protect the interests of defendants but was also 'designed with the public interest firmly in mind.'") (quoting *United States v. Toombs*, 574 F.3d 1262, 1273 (10<sup>th</sup> Cir. 2009)). Additional

time will allow Mr. Carrillo to further investigate the case, prepare and file pretrial motions, and adequately prepare for trial. Additionally, a continuance will allow the parties an opportunity to discuss a negotiated resolution of this matter. Such a resolution would conserve judicial and prosecutorial resources and could also materially benefit Mr. Carrillo by providing him access to a more favorable resolution of this matter. This order is not predicated upon the congestion of the Court's docket. *See United States v. Hernandez-Mejia*, 406 Fed. App'x. 330, 338 (10<sup>th</sup> Cir. 2011) ("The Speedy Trial Act was intended not only to protect the interests of defendants but was also 'designed with the public interest in mind.'") (quoting *United States v. Toombs*, 574 F.3d 1262, 1273 (10<sup>th</sup> Cir. 2009)).

IT IS THEREFORE ORDERED that the jury trial in this matter currently scheduled for December 2, 2019 is continued and will be rescheduled for January 16, 2020 at 9:00am on a trailing docket.  
  
UNITED STATES DISTRICT JUDGE

Submitted by:  
/s/ Marshall J. Ray, Attorney at Law  
Marshall J. Ray

*Attorneys for Defendant Antonio Carrillo*

Approved by:

Via e-mail on November 22, 2019  
Jack Burkhead

*Attorney for the United States*

After weighing the best interests of the public and of the Defendant with the ends of justice, the Court finds that granting a continuance will strike a proper balance between the ends of justice and the best interests of the public and of the Defendant for the reasons stated in the motion requesting a continuance, filed **November 22, 2019** (Doc. **43**). Specifically, completion of plea negotiations and trial preparation if a resolution is not reached, outweighs the Defendant's and the public's interest in a speedy trial. See 18 U.S.C. Section 3161(h)(7). The pretrial motion deadline is **January 6, 2020**. The Court will set the trial for **January 16, 2020 at 9:00 a.m.** (trailing docket). This **45-day** continuance is sufficient, without being greater than necessary, for the Defendant to complete the tasks set forth in the motion to continue.